



0000111577

BL TION COMMISSION

WILLIAM A. MUNDELL**Chairman****JIM IRVIN****Commissioner****MARC SPITZER****Commissioner**

Arizona Corporation Commission

DOCKETED

JAN 09 2003

2003 JAN -9 A 11:13

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY	CAJ
-------------	-----

DOCKET NO. T-00000A-97-0238**IN THE MATTER OF U S WEST
COMMUNICATIONS, INC.'S****COMPLIANCE WITH SECTION 271 OF THE
TELECOMMUNICATIONS ACT OF 1996**

) **AT&T'S COMMENTS ON**
) **IMPACT TO SECTION 271**
) **DOCKET BECAUSE OF**
) **CERTAIN PARTIES INABILITY**
) **TO PARTICIPATE**

AT&T Communications of the Mountain States, Inc., and TCG Phoenix
 (collectively "AT&T") hereby file their comments on the impact of certain parties inability
 to participate in the Section 271 process.

By the Procedural Order dated December 20, 2002, "the parties shall have until
 January 10, 2003, to submit additional evidence and to comment on the impact, if any, on
 certain parties inability to participate in the Section 271 process." The Procedural Order is
 based on Staff's recommended procedures set forth in its October 4, 2002 Staff Report.

In July 2002, Staff held a workshop "to allow parties who believe they were
 precluded from raising any issues during the course of this case, to put their issues into the
 record for resolution."¹ Extensive comments were filed by Eschelon Telecom, Inc., raising
 a substantial number of unresolved issues related to Qwest's compliance with the
 competitive checklist contained in Section 271 and Qwest's operational support systems
 ("OSS"). It is AT&T's understanding that Staff will release two reports based on the

¹ Notice from Maureen Scott, Attorney, Legal Division, dated July 24, 2002, to all parties in Docket No. T-00000A-97-0238.

results of the workshop – one addressing the competitive checklist and one addressing OSS issues. Staff has not yet released these reports.

AT&T believes that the issues raised by the competitive local exchange carriers (“CLECs”) in the July workshop reflect issues that went unaddressed and unresolved because of provisions in the secret agreements that prevented certain CLECs from participating in the Section 271 process. In fact, had the CLECs not been prohibited from participating in the Section 271 process, the workshops would not have been held.

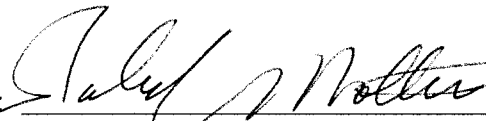
Therefore, the Staff reports are extremely relevant to the issues in the sub-docket because the reports will reflect numerous issues that were not addressed in the Section 271 process and remained unresolved because of the CLECs inability to participate. AT&T has assumed these reports would be released before its comments were due in the sub-docket. Had the reports been released, AT&T would have pointed these issues out in its comments and identified the impacts on the Section 271 process.

It is AT&T’s position that the issues raised in the two Staff reports must be reflected in Staff’s Proposed Order in the sub-docket. AT&T does not ask that comments be postponed until the Staff reports are released; however, AT&T will file exceptions to Staff’s Proposed Order to the extent Staff’s Proposed Order fails to adequately identify the issues raised in the July workshop and in Staff’s subsequent reports.²

² Staff need not propose a resolution of the workshop issues in its Proposed Order in the sub-docket. However, AT&T would hope that Staff would acknowledge that these issues would have been addressed earlier in the Section 271 process had the CLECs not been precluded from participating in the Section 271 process. The fact that a workshop had to be held in July 2002 and that Staff must release additional reports to address previously unaddressed and unresolved issues surely reflect impacts on the Section 271 process.

Dated this 8th day of January, 2003.

**AT&T COMMUNICATIONS
OF THE MOUNTAIN STATES, INC.,
AND TCG PHOENIX**

By: _____

Mary B. Tribby

Richard S. Wolters

1875 Lawrence Street, Suite 1503

Denver, Colorado 80202

Telephone: (303) 298-6741

CERTIFICATE OF SERVICE
(Docket No. T-00000A-97-0238)

I certify that the original and 13 copies of AT&T's Comments on Impact to Section 271 Docket Because of Parties Inability to Participate were sent by overnight delivery on January 8, 2003 to:

Arizona Corporation Commission
Docket Control – Utilities Division
1200 West Washington Street
Phoenix, AZ 85007

and a true and correct copy was sent by overnight delivery on January 8, 2003 to:

Maureen Scott
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Mark A. DiNunzio
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Ernest Johnson
Director - Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Christopher Kempley
Arizona Corporation Commission
Legal Division
1200 West Washington Street
Phoenix, AZ 85007

Jane Rodda
Administrative Law Judge
Arizona Corporation Commission
400 West Congress
Tucson, AZ 85701-1347

and a true and correct copy was sent by U. S. Mail on January 8, 2003 to:

Thomas F. Dixon
WorldCom, Inc.
707 – 17th Street, #3900
Denver, CO 80202

Diane Bacon, Legislative Director
Communications Workers of America
Arizona State Council
District 7 AFL-CIO, CLC
5818 N. 7th Street, Suite 206
Phoenix, AZ 85014-5811

K. Megan Doberneck
Covad Communications Company
7901 Lowry Blvd.
Denver, CO 80230

Bradley Carroll
Cox Arizona Telcom, L.L.C.
20401 North 29th Avenue
Phoenix, AZ 85027-3148

Michael M. Grant
Gallagher and Kennedy
2575 East Camelback Road
Phoenix, AZ 85016-9225

Traci Kirkpatrick
Davis Wright Tremaine LLP
1300 S.W. Fifth Avenue
Portland, OR 97201

Michael W. Patten
Roshka Heyman & DeWulf, PLC
400 North Fifth Street, Suite 1000
Phoenix, AZ 85004-3906

Joyce Hundley
United States Dept. of Justice
Antitrust Division
1401 H Street NW, Suite 8000
Washington, DC 20530

Daniel Pozefsky
Residential Utility Consumer Office
2828 North Central Ave., #1200
Phoenix, AZ 85004

Mark N. Rogers
Excell Agent Services, L.L.C.
P.O. Box 52092
Phoenix, AZ 85072-2092

Mark P. Trinchero
Davis Wright Tremaine
1300 SW Fifth Ave., Suite 2300
Portland OR 97201-5682

Brian Thomas
Vice President – West
Time Warner Telecom, Inc.
223 Taylor Avenue North
Seattle, WA 98109

Penny Bewick
New Edge Networks
3000 Columbia House Blvd., Suite 106
Vancouver, WA 98661

Andrea P. Harris
Senior Manager, Regulatory
Allegiance Telecom, Inc.
2101 Webster, Suite 1580
Oakland, CA 94612

Karen L. Clauson
Eschelon Telecom, Inc.
730 2nd Avenue South, Suite 1200
Minneapolis, MN 55402

Joan S. Burke
Osborn Maledon, P.A.
2929 N. Central Avenue, 21st Floor
Phoenix, AZ 85067-6379

Eric S. Heath
Sprint Communications Company L.P.
100 Spear Street, Suite 930
San Francisco, CA 94105

Charles Kallenbach
American Communications Services, Inc.
131 National Business Parkway
Annapolis Junction, MD 20701

Jeffrey W. Crockett
Snell & Wilmer, LLP
One Arizona Center
Phoenix, AZ 85004-0001

Todd C. Wiley
Gallagher & Kennedy, P.A.
2575 East Camelback Road
Phoenix, AZ 85016-9225

Michael B. Hazzard
Kelley, Drye & Warren, LLP
1200 19th Street, NW, Fifth Floor
Washington, DC 20036

Daniel Waggoner
Davis Wright Tremaine
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688

Timothy Berg
Fennemore Craig, P.C.
3003 North Central Ave., #2600
Phoenix, AZ 85012

Raymond S. Heyman
Randall H. Warner
Roshka Heyman & DeWulf
Two Arizona Center
400 N. Fifth Street, Suite 1000
Phoenix, AZ 85004

Harry Pliskin
Senior Counsel
Covad Communications Company
7901 Lowry Boulevard
Denver, CO 80230

Andrew Crain
Qwest Corporation
1801 California Street, Suite 4900
Denver, CO 80202

Janet Livengood
Regional Vice President
Z-Tel Communications, Inc.
601 S. Harbour Island Blvd., Suite 220
Tampa, FL 33602

Charles W. Steese
Qwest Corporation
1801 California Street, Suite 4900
Denver, CO 80202

Bill Haas
Richard Lipman
McLeodUSA Telecommunications
Services, Inc.
6400 C Street SW
Cedar Rapids, IA 54206-3177

